

University of Dundee

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Johansen, Anja

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## CHAPTER

### Police-Public Relations: Interpretations of Policing and Democratic Governance

Anja Johansen (University of Dundee)

#### Abstract:

“The public” is a central concept in the legitimization of modern policing. Yet the definition of “the public” and the meaning of “public-oriented policing” have changed over the nineteenth and twentieth centuries with great variations between countries. This essay critically analyses the dichotomy which has often been established between police-public relations in Anglo-American contexts, as the model of public-oriented “democratic policing”, as opposed to police public relations in continental Europe. With examples from Britain, US, France and Germany across the nineteenth and twentieth centuries, this essay makes two key points: first, that interpretations by historians and police scholars of the nature of police-public relations have been fundamentally influenced by sympathies or antipathies of the political regime they served; secondly, that the positive appreciation among scholars for the principles behind the Anglo-American ideal of police-public relations have often been accepted uncritically. Instead examples from France and Germany open wider questions about the impact of democratization on police-public relation, the consequences of locally organized police on evenhanded and responsive policing, and the influence of military features in policing on violence in police-public relations.

Keywords: police-public relations – democratic policing – police legitimacy – historical interpretations.

## INTRODUCTION

In 1954 the Los Angeles police captain G. Douglas Gourley declared: “Under our Anglo-Saxon form of policing, in high contrast with totalitarian forms, the police and the public are in a sense identical” (Gourley 1954, p. 135). Gourley would undoubtedly have been dismayed had he known that both the Nazi Regime and later the Communist German Democratic Republic made similar rhetorical identification between police and public as basis for police legitimization (Blood 2003, p. 100; Dunnage and Rossol 2015, p. 98; Lindenberger 2003, p. 16).

The legitimization of policing has rested on a multiplicity of sources: historically it came from above through the King, the Republic, Parliament, the Law. Since the late-eighteenth century, references to “the people”, “the public”, “the tax-payers” have become increasingly central to the legitimization of policing in Anglo-American political cultures where the authority of law-enforcement agencies were easily vulnerable to challenge (Tomlins 2006, p. 255). Claims that policing was “for the people” and “public-oriented” – later linked to

concepts of “democratic policing” – have strongly influenced official rhetoric as well as scholarly interpretations of policing in general, and police-public relations in particular. In popular lore, this identification is inscribed in the so-called Peelite Principles. In Britain and the US, as well as Canada, Australia and New Zealand, these principles have developed into a set of interrelated ideas which could be described as the Anglo-American police principles: civil (rather than military); serving the public (rather than central government); locally organized and controlled, therefore responsive to local concerns; polite and respectful to all citizens (rather than bossy and coercive); accountable to local communities and to the law (rather than arbitrary). These principles are considered by many police scholars to be the precondition for “democratic policing” and to provide the optimal basis for popular trust and legitimacy (Monkkonen 1981, pp. 23-24). Police strategies such as “community policing” are based on similar assumption that cooperation with local communities makes policing more effective (For critical assessments Brogden 2008, p.168; Manning 2010, p. 9).

These principles form the conceptual framework that links together all other factors which historians and social scientists have identified as significant for assessing the nature of police-public relations: Acceptability and credibility of the official narrative among the population, or within different groups, – including popular perceptions of the policeman as a stereotype; Levels of cooperation and engagement between police and communities; Policing practices and attitudes towards the population as a whole as well as towards specific groups; Police use of force and lethal weapons as well as the extent and nature of military involvement in policing; The strength and effectiveness of institutionalized accountability mechanisms.

Throughout the nineteenth century, Anglo-American scholarship and political discourse has tended to refer to continental European policing as a “negative other”, broadly based on French and German policing: centrally organized, in service of and controlled by strong centralized states, politicized and non-accountable to the public as well as armed and militarized. This dichotomy has been perpetuated by Anglo-American police and government authorities as well as by continental European police critics who used this dichotomy as a framework for criticizing policing arrangements in their own country (Johansen 2013).

The opposition between the “Anglo-American police principles” and “continental European policing” also forms the basis of interpretations by historians and sociologists. These categories are used as abstract benchmarks for critical analysis of police-public relations in Britain and the US. On the one hand, most police scholars recognize that policing in Britain and the US often fails to meet the standards and commitments of the official rhetoric, notably when political and economic interests are at stake or when confronted with incompatible demands from different sections of the population (Bittner 1970, pp. 6-14, Brodeur 2010, ch. 2 & 4). On the other hand, there is an assumption – often implicit – that police-public relations in Britain and America remains more “democratic” and public-oriented than in continental Europe. Thus the claim that Anglo-American police principles constitute the preconditions for “democratic policing” is rarely challenged or explored in English-language scholarship (Manning 2010, p. vii).

More sophisticated versions of this dichotomy shape many police models and typologies. These tend to focus on organizational features and aim at providing a framework for comparisons, rather than promoting the normative claims about levels of “democratic” and “public-friendly” policing (Bayley 1985, id. 2005; Mawby 1999; 2008; Emsley 1999a; Levy

2014). Nevertheless, there is also broad recognition, particularly among comparativists, that the dichotomy between Anglo-American and continental European is highly questionable, even counterproductive (Montjardet 1996: 283-289; Mawby 1999, p. 51; Brodeur 2010; Denis & Denys 2012, p. 11). Lévy suggests that comparison between continental police systems would be far more fruitful, rather than insisting on dissimilarities with Anglo-American organizational structures (; Lévy 2014, p. 353).

Despite the centrality of police-public relations to the legitimization of policing, few scholars have reflected on how the concept of “the public” has influenced modern policing in ideological and organizational terms, and shaped the various attempts to develop a “theory of policing” (Bittner 1970, pp. 114-118; Klockars 1985; Bayley 1985; Brodeur 2010). Instead many works contain excellent sections of empirical studies of police-public relations in practice (Taylor 2002; Klein 2010; Berlière and Lévy 2011; Deluermoz 2012).

This essay analyses the development towards “the public” and “democratic policing” becoming key legitimizing concepts in official rhetoric about policing, and its implications for interpretations of police-public relations in Britain, the US, France and Germany. It first looks at the historical construction of police legitimacy on a concept of “the people”, and then at the development of the idea of British and US policing as “democratic policing”, followed by an analysis of the interpretations of French and German police-public relations as the “negative other”. The final sections reassess three aspects of police-public relations which are central to the Anglo-American police principles: local police organization; engagement with local communities; and military features in civilian policing.

## **I. Policing by the people, of the people, as a legitimizing principle.**

Historically community self-policing was the norm in small towns and villages across Europe until the nineteenth century. Yet it was with the American and French Revolutions that the concept of “the people” acquired ideological significance in relation to policing as well as to the wider criminal justice system and governance in general. Historians have identified three distinct approaches to policing that characterized eighteenth and nineteenth-century law-enforcement: the German bureaucratic *Polizeywissenschaft* approach, the French militarily organized *Maréchaussée*, later the *gendarmerie*, and the British civilian model (Dubber 2006, pp. 107-139; id. 2005; Raeff 1983). Of these only the British approach conceptualized the population as a key principle in legitimizing policing. A fourth approach to policing emerged in the late eighteenth century, namely the populist-revolutionary idea of policing through self-regulating militias of volunteers claiming to embody the will and interests of “the people”. The historical literature has only paid limited attention to this form of policing, partly because it is seen as anti-modern because non-professional, partly because it left little impact on modern policing. However, it is the most radical form of the idea of policing through the people (Carrot 2005, pp. 246-247; Pröve 2011, pp. 61-80).

In the US, self-policing through citizen volunteers has strong roots in the revolutionary understanding of liberty and democracy (Tocqueville, 1836: I, ch.1, p. 136; Richardson 1970: 13 & 37; Lane 1977, p. 7; see also Miller 2013). Accordingly, the establishment of the first professional police forces in Boston in 1837 and New York in 1845 generated considerable

opposition as incompatible with American democratic culture. Men acting as uniformed police were being likened to “servants”, and derided for accepting a position that was seen as undignified for free-born American citizens (Monkkonen 1981, pp. 45-46).

The experience of self-established militias in revolutionary France claiming to enforce the law according to their own discretion outside government control and discipline was inextricably linked to the excesses of the Terror. Thus throughout the nineteenth century strong aversion against policing through citizens’ militias remained the politically conservative position in France and across Europe. In the German states, the demand for citizens’ militias (*Bürgerwehren*) for community self-policing emerged by the end of the Napoleonic invasion in opposition to the reestablishment under Metternich of monarchical control through extensive use of state police. *Bürgerwehren* remained a recurrent demand among liberal opponents to monarchical rule, and reemerged in full force during the 1848 Revolutions. Yet, the rise of socialism, with its ideological disregard for private property, raised concerns among middle-class liberals who quickly abandoned the idea of policing through “the people”. Among radicals and revolutionaries, however, the dream of policing through popular volunteer forces lingered and reemerged forcefully with the Paris *Commune* of 1871, and again with the communist revolts across Europe after the First World War (Leßmann-Faust 1987; Prüve 2011).

The great novelty of the London police model established by Robert Peel in 1829 was to combine legitimization through “the public” (Tayler 1997, p. 77) with a strict system of organizational discipline, controlled by the Home Office or by local elites in towns and boroughs. In the early days of the Metropolitan police the close identification between police and the people was not even established (Monkkonen 1981, p. 6). References to “the public” mainly implied the propertied rate-payers, whose person and property was in need of protection and whose political acceptance was needed for the future funding of police forces. During the 1850s, with the increasing acceptance of professional police in Britain and a broadening of the concept of the police’s commitment to serve the entire population, the notion of “the public” came to mean the respectable law-abiding individuals with fixed abode and regular employment. Largely excluded from concepts of “the public” were individuals who were categorized as not-law-abiding and belonging to the “dangerous classes” due to previous arrests and convictions. Similarly excluded from “the public” were groups who the police treated as potential law-breakers and sought to control rather than protect. These included the jobless – homeless or itinerant – the destitute, and members of certain ethnic minorities.

When the London Metropolitan police model was adopted in Boston and New York as the first professional police forces in the US, the Peelite approach to “the public” was merged into a political culture that saw itself as far more democratically advanced than Britain. That policing should be oriented towards “the public” was self-evident, and as Klockars rightly observes: “American police have been every bit as much of a people’s police as the English” (Klockars 1985, p. 42). With the ambition of making policing even more public oriented than in Britain, the American rhetoric revolved around vague and ever-changing notions of community self-policing (Brogden 2008, p. 168), as well as public service and police accountability to the public.

In the German states, the bureaucratic and state-oriented *Polizeiwissenschaft* tradition continued to underpin police ideology throughout the nineteenth century (Lüdtke 1982; Funk

1986). After 1848, when new police forces were established, allegedly based on the London Metropolitan model, this was superimposed on traditional principles. The famous police paragraphs of the Prussian *Allgemeine Landrecht* of 1794, which defined Prussian policing until 1918, described the population as a passive entity to be protected. Thus policing continued to be legitimized on the basis of state authority, with no reference to the population as a legitimizing entity. Nor did the population benefit from any recognition of accountability or control over the police. The power to define the interests of the population according to the general well-being (*Gemeinwohl*) remained the prerogative of government, civil servants or provincial administrators. Thus the idea of the population as a legitimizing concept only gradually developed towards the end of the nineteenth century, awkwardly co-existing with older notions of police-public relations rooted in the *Polizeiwissenschaft* tradition.

In France, the republican and Bonapartist traditions identified the State with “the people”, and thereby eliminated the opposition between government and the public, which was central to the Anglo-American policing principles. The State *was* “the public”. No legal texts of the nineteenth century relating to the police or *gendarmerie* makes any references to the population as legitimizing policing activities. The function of police and *gendarmerie* was described exclusively as maintenance of public order and law enforcement. This absence of any formal recognition of the population may explain why the *gendarmerie* model was so easily applied to territories under French occupation, and later to colonies.

## **II. From Peel’s public-oriented approach to “democratic policing”.**

Peel’s public-oriented legitimization of policing grew out of the political necessity of getting support from reluctant MPs in the British Parliament whose support was continuously needed for the annual renewal of the budget for the London Metropolitan police. In the face of considerable opposition to his police reform and concerns about civil liberties, Peel also drew heavily on the bad reputation of French policing from the pre-Revolutionary *Maréchaussée* and Napoléon’s *gendarmerie*, to Fouché’s secret police. In contrast to the negative image of French police as military, violent, politicized and corrupt, Peel presented a positive counter-image of his force as a non-military, a-political, public service, enforcing the law with proportionate levels of force. The development of a reassuring narrative of police-public relations was central to Peel’s approach to policing. Accordingly, Peel committed the force to strictly respect the rights and liberties of the public, and promised that any notification from the public of policemen failing in their duty or breaching discipline would be investigated by the Chief Commissioner. This made the London Metropolitan police accountable to “the public” as well as to the law, with institutionalized procedures to challenge police decisions and behavior. Peel thereby struck a balance between three conflicting demands, which tend to appear in debates on police forces: demands for effective protection of persons and property (Silver 1967), against concerns about costs and worries about infringements on the civil liberties of individuals (Campion 2005).

As in Britain, the notion of public oriented policing in America faced numerous dilemmas and was similarly wrought with inconsistencies. American police forces were, in the name of democratic principles, subjected to the authority of elected politicians or magistrates.

This created high levels of democratic accountability to the majority, but was incompatible with any claim to political neutrality and unbiased law-enforcement. US police was conspicuously politicized and partisan, in contrast to the British model which was a bureaucratic organization which claimed to be politically neutral. Accordingly, popular attitudes to many American police forces has always been characterized by low levels of trust among minority groups, with suspicion of police being biased, corrupt and violent (Bittner 1970, pp. 10-12; Klockars 1985, p. 42).

With time, Peel's principles came to acquire a "mythical quality" (Emsley 2014 p. 11), although the list of "Peelite Principles" only acquired their present form by the 1950s (Reith 1952, p. 154; Lenz & Chaires 2007, pp. 69-70). The glorification of British policing as "the world's best police" reached its highpoint with the Whig interpretations that saw the British model as the emblem of democratic policing (Reith 1938; 1943; Radzinowich 1948-1968; Critchley 1967, Ascoli 1979). Coexisting with a popular image of the benign British Bobby, this largely uncritically positive vision described police-public relations as evidence of the superior ethical, people-oriented, gentle, law-bound and fair nature of the British political regime.

At the same time, the broader notion of Anglo-American policing principles became tied up with the idea of "democratic policing" and assumptions about political democratization having benign effects on the nature of policing. Yet, as Brogden observes, the projection of police as the expression of the collective will of local communities for legitimation purposes is ahistorical and inconsistent both in Britain and in the US (Brogden 2008: p. 168; see also Waddington 1999, pp. 23-24).

Moreover, it is not at all clear what "democratic policing" might imply. As Brodeur rightly observes, there is a tendency among twentieth-century scholars to define "democratic policing" as the way police operates in democratic societies, assuming that just because the regime is democratic, policing is democratic as well. He points to a strong and continuous tendency among British and American police scholars to see democratic policing as exemplified with Britain, the US and other polities growing out of a specifically English institutional tradition, from where they transferred to the US, Canada, Australia and New Zealand (Brodeur 2010, pp. 135-136; see also Bayley 2005 and Manning 2010, pp. 3-37).

The narrative of benign policing has been so successful in Britain because it appeared credible to large sections of the public – notably the middle-classes who rarely had any direct dealings with the police. Disenchantment with the British police among the middle-classes first became noticeable during the 1960s, with the repeated clashes between police and middle-class students. Since the 1970s, sociologists and historians have critically re-evaluated the power relations around police-public relations, and dismantled many myths surrounding the British police. Social historians – often coming from a critical left-wing position – have emphasized the functions of the police as social control (Storch 1975; id. 1976; Thompson 1981, Bailey 1981, Gatrell 1990), while detailed studies on policing have highlighted the ambiguous, conflictual and often violent relationship between police and the working class population (Emsley 1983; 1996; 2005, Taylor 1997, id. 2002 ch.5).

While historical studies all point to considerable discrepancies between the rhetoric and practice in British and American policing, these scholarly revisions have had little impact on

the underlying presumptions of British and American policing being – despite its imperfections – comparatively more public oriented and democratic than policing in France or German.

### **III. “Continental policing”: the negative other of police-public relations.**

Throughout the nineteenth and twentieth centuries, French – and particularly German critics and police scholars – have tended to accept the claims about the moral superiority of British and American policing. Despite the dismantling of the uncritical hailing of British policing as “the best police in the world”, British policing during the nineteenth and twentieth centuries appeared to many foreign observers as more responsive to the public and less characterized by indiscriminate violence than their counterparts in continental Europe. British police authorities were also considerably more successful than French and German authorities in forging and maintaining popular acceptance, cooperation and trust in the police (Bradford & Jackson 2011). The poor reputation of French and German policing was exacerbated by repeated attempts by police and government authorities to deny and cover up clear evidence of poor professional standards and violent practices (Johansen 2011). In addition, French and German authorities also sought to appear supremely in control – even when they were struggling to keep situations under control – which made them doubly responsible in the eyes of the public for police failings. This appeared to confirm liberal criticism of “police states” with no respect for or engagement with the public. Furthermore, the widespread accommodation and collaboration of the German and French police under Nazi rule or occupation only strengthened this narrative.

Most French and German scholarship and historical interpretations of policing are part of Franco-French or Germano-German debates, intrinsically linked to wider debates about the nature of successive political regimes. Where comparisons are made with policing in Britain and America, these tend to serve the purpose of critically highlighting the short-comings of French or German policing. Nevertheless, scholars have interpreted the French and German police very differently in comparison with the Anglo-American police principles. French scholars tend to be relaxed about the strong centralized state – in contrast to their British and American colleagues – seeing the state as neither good nor bad in itself. While accepting the French Republic as essentially benign – even if it often fails to live up to its ideals – French police scholars often focus on how policing was influenced by successive political regimes and repeated regime change during the nineteenth and twentieth centuries. Similarly in contrast to British and American scholars, French police historians do not see the strong centralized State as a hindrance to democratic and accountable, citizen-oriented policing. Nor do they see the military features of the *gendarmerie* as incompatible with democratic policing (Luc 2002; 2010; Berlière and Lévy 2011). While French scholars accept that nineteenth-century French police-public relations suffered from politicization, corruption and systemic violent practices, much recent scholarship has fundamentally revised the “black legend” of French policing. Instead, a narrative has developed of difficult but gradual modernization, professionalization and republicanization (Berlière 1996; Berlière & Lévy 2011; Anderson 2011; Deluermoz 2012; Lopez 2014).



German historians and police scholars have been far more willing to adopt the perspective of German policing as the negative opposite to the Anglo-American police principles. In the nineteenth century, the public-oriented principles behind policing of London became an attractive brand in German states and across the European continent: police reformers and liberal and left-leaning critics pointed to Britain for a superior model of policing, both in terms of effectiveness and in its relationship with the public (Emsley 2012). This was contrasted with the heavy-handed and militarized approach to policing that characterized most late-absolutist or semi-democratic political regimes of nineteenth-century Europe. Yet, as liberal and left-wingers often implied a wider critique of their local political regime and existing power structures between state and citizens, the promotion of the London Metropolitan police model in European countries cannot be detached from wider debates about police reform and constitutional struggles (Johansen 2013).

In both Germany and France there were also police reformers working for regimes with limited democratic credentials who saw the London Metropolitan model as the emblem of modernity and efficiency in law-enforcement. Making the police more acceptable and legitimate in to the public – or at least the respectable sections of the public – became a goal for their police reforms, while ensuring that the control of criticism and discipline remained firmly in the hands of police and government authorities (Berlière 1993a; Deluermoz 2012: 318-319; Müller 2005, Johansen 2013). Accordingly, very dissimilar regimes from across Europe, some with predominantly pre-democratic conceptions of the relationships between the State and the population, claimed to adopt elements of the London Metropolitan model. Yet, within these hybrids, the public-oriented aspects tended to be limited, or altogether absent. In all their variety, most nineteenth-century European police forces that claim inspiration from the London Metropolitan model do not easily fit into the dichotomy between an “Anglo-American” and a “continental European” model.

Interpretations of police legitimacy and police-public relations have been further influenced by the sympathy or antipathy among scholars towards individual political regimes. This is particularly relevant for the analyses of police malpractice in Britain and America compared with interpretations of the failings of French and German policing. The Anglo-American literature rarely links critical analysis of policing to attacks on the ideological and institutional foundations of the political regime. British and American scholars tend to explain violent and corrupt policing practices in terms of structural dysfunctions and as unfortunate consequences of the core functions of policing, inherent dilemmas of police-public relations, and police sub-culture. Similarly, the scholars who dismantled the positive myth of the British police did not challenge the ideological foundations of the British political system. Similarly, interpretations of American policing rarely see bad policing as reflecting negatively the fundamental ideology of the constitutional principles of the American Republic.

In contrast, historians of policing under autocratic rule or dictatorship tend to judge police failings very severely and to link dysfunctions in the relationship with the public to the nature of the regime. This is particularly noticeable in the interpretations of police-public relations in France and Germany, which both experienced several regime changes and periods of autocratic rule and dictatorship during the nineteenth and twentieth centuries. Modernization theories – combined with the idea of the Anglo-American police principles as a precondition for democratic policing – led many police scholars and political historians to interpret the

failings of the police of the French Second Empire, the German *Kaiserreich* or even the Nazi regime or the Communist East Germany as a consequence of un-democratic or semi-democratic nature of political regimes. In German scholarship negative aspects of police-public relations are often understood in the broader context of specifically German power structures and the functioning of authority, that operated both at the formal institutional level and informally in everyday policing (Lüdtke 1982; Funk 1986; Jessen 1991; Lindenberger 1995; id. 2003; see also contributions to Lüdtke, Reinke and Sturm 2011).

German interpretations of negative aspects of police-public relations in the German Federal Republic of the 1960s to 1980s were also inextricably linked to deep-seated power structured, often interpreted as legacies from previous regimes, notably the Nazi dictatorship. There was little interest in the inner dynamics of police organizations and the discrepancy between the legal institutional description of policing on the one hand, and, on the other, the actual functioning of police-public relations in the streets. Although the previously influential *Sonderweg* interpretation of German path to modernity has largely been abandoned, the idea still prevails of a specifically German form of exercise of power (*Herrschaft*) that has shaped German policing across successive regimes throughout the nineteenth and twentieth centuries (Lindenberger 1995; id. 2003; see contributions to Fürmetz, Reinke and Weinbauer 2001 and to Lüdtke, Reinke and Sturm 2011). Close correlations are drawn between the confrontational nature of police-public relations in Germany and under-democratic or un-democratic political regimes. These interpretations rest on the principles set out by Liang – inspired by the Anglo-American police principles – of how democratization ought to affect the ways in which police relate to the population (Liang 1992, p. 4). German police scholars tend to emphasize that German policing only developed public oriented policing during the Weimar Republic, which was then halted by the Nazi regime and the Communist East Germany. The implicit assumption is that police-public relations in Britain and the US already met these standards during the nineteenth and twentieth centuries. As a result, German police scholars often develop a narrative where German police-public relations need to catch up with the Anglo-American police principles. As comparative analyses are scarce, the features which stem from problems intrinsic to policing are often not properly distinguished from features which specifically characterize German policing (Knöbl 1998; Deluermoz 2013; Johansen 2011; id. 2013).

Conversely, sympathy for the French Republican regimes since 1870 and the Weimar Republic has shaped interpretations in a different direction. French and German police scholars have been willing to interpret some failings in policing standards of the French republican regime, the Weimar Republic and the post-1949 West-German Republic to systemic problems, intrinsic to the functioning of policing, to police sub-culture and to inherent dilemmas of police-public relations. In the case of the French Third Republic failings in police-public relations were explained by the inability or unwillingness of successive governments to properly control and discipline police personnel. This perspective also characterizes the current challenge to the “black legend” of French policing, emphasizing features of modernity and the gradual development towards republican values in French policing since the turn of the twentieth century (Berlière 1996, Berlière & Lévy 2011; Anderson 2011 Deluermoz 2012 Lopez 2014). Seen in comparative perspective, it appears that many of failings in the relationship between police and public – past and present – are not specific to non-democratic governance, but

bedeviled policing in Britain and US as much as policing in France and Germany under successive regimes with various democratic credentials.

#### **IV. Police-Public Relations in Practice: Political and social elites.**

One of the key elements in the Anglo-American police principles is the claim that locally organized police forces are more accountable to the public than centrally organized police forces under government control. Yet, as many police scholars and theorists have observed, policing is never neutral, whether controlled by the state or by local communities. Bittner rightly notes that a fundamental distinction needs to be made between the public that police serves, whose interests the police defends, and the public that is the object of police control. As interests between groups are often conflicting, defending the interests of one group is to the detriment and restriction of another, typically the poor, the marginal, youth and minorities (Bittner 1970: 9-15; see also Ericson 2005: 216; Klockars 1985: 42).

Locally organized police gives local elites considerable scope to control policing and define priorities in their own interest, with little or no accountability to the rest of the community (Mawby 2008: 19-21). The Anglo-American preference for locally organized police tend to overlook the possibility that police organized at the national level – although remote and difficult to get in contact with – might constitute a neutral and robust defender of people on the margins against the use of policing in the interests of local elites. Moreover, to people at the bottom the social hierarchy it makes little difference whether they are controlled – and sometimes physically coerced – by a police force controlled by a central state or by local elites. Yet while British and American historians and police scholars almost never challenge the preference for policing under local control, they are very aware of class and race dimension in police-public relations.

From a comparative perspective, the question arises whether the more public-oriented policing ideology in Britain and the US exacerbated class bias in policing, compared to state-centered systems such as the French and German. Until the First World War it is clear that social elites in Britain and the US were treated more favorably by the police than was the case in France or Germany. Throughout the nineteenth century, police in Britain were very wary of intervening against members of the middle- and upper classes. People belonging to “respectable society” often related to the policeman not so much as a public servant than as any employee to be disciplined and dismissed at will (Gamon 1907, p. 21). It was only with the arrival of the motorcar that members of these social groups came into regular contact with the police as offenders (Emsley 1993). In America, policing was no less class-biased with great reticence towards intervening against members of the elites or against anyone with powerful connections (Bittner 1970, p. 119; Brodeur 2010, p. 111). However, given that police in American cities were under the control of whoever held political office, the influence on policing by local elites also depended on political allegiance.

In French interpretations, class has been central to the analysis of policing since the nineteenth century. Yet, generally French scholars have not regarded the devolution of policing to the local level as a solution to class-bias in law enforcement. Moreover, in France police-favoritism was not simply structured along class lines. During the nineteenth century,

continuous political turmoil and multiple regime changes meant that members of the middle- and upper classes could not be confident that their social status alone would shelter them from undue police interference. Police was the instrument of whoever was in power and controlled the State. Therefore, connections to powerful people in government often mattered as much as social or economic standing in sheltering members of the elites from police interference.

In the German states, police was similarly biased against the lower orders, with the clashes between German authorities and workers in general, and the social democratic party in particular, as the most salient example (Hall, 1977; Lindenberger 1995). Nevertheless, this did not mean that all elite groups were equally sheltered from police interference. In the nineteenth century distinctions need to be made between rising elites and those belonging to old aristocratic families, who could often disregard police due to their social standing and connections. Similarly, before 1918 the police had no authority over members of the Prussian army because military officers were superior in rank to the police. For members of the rising bourgeoisie and newly ennobled elites, the relationship with the police was very different: as in France, social status, position in public office or wealth was of little use when confronted with policemen who were very conscious and proud of their status as representatives of the state and enforcers of the law. This led to multiple situations of stand-off between police and citizens with some social capital, both seeking to assert their superior authority over the other (Johansen 2009, pp. 136-137). In France and Germany policing tended to be less systematically class-biased than in Britain and America, because even respectable members of society could not share the confidence of the British or American middle-classes of being largely above police intervention. Nor did elites have extended scope for using the police to defend personal interests, as any municipal decision on policing could be overridden by the state appointed *Landrat* or *sub-prefect*.

## **V. Police and the Lower Orders: Integration and isolation**

Another central principle in the British idea of police-public relations is the importance of gaining popular acceptance and cooperation. Historians have therefore paid much attention to patterns of conflict and cooperation with the public, notably among the lower orders of society. Two major features of police-public relations underwent important transformations during the second half of the nineteenth century in all four countries, although with varying chronology and extent of change. One was the gradual increase in the acceptance of the police, not only among the middle-classes but also among the lower classes in urban areas. The second major change was the decline in levels of violence between police and public. Violent encounters between police and the public did not disappear, but seemed to become less prevalent and less serious. While there are many similarities in these transitions between Britain, US, France and Germany, historians have interpreted their causes very differently, depending on the extent to which police-public relations accommodated to the Anglo-American policing ideals.

Right from the establishment of modern police in England and the US the police authorities sought acceptance among the population in order to be legitimate (Ericson 2005: 219). While there is a general consensus among police historians that the British middle-classes fully accepted their police forces from the 1860s, there were still major confrontations between

police and working classes in the 1870s and 1880s (Miller 1977: 105-111; Weinberger 1981: 65). The British police only gained broad acceptance among the urban poor from the 1890s (Emsley 1996: 80-84; Taylor 2002: 111; see also Klein 2010 54-62 & 205-207).

In France and Germany it was only from the 1890s that police managers began to prioritize the cultivation of good relations with the public, as some police managers realized that low regard for the police – both among the “respectable” classes and the lower orders of society – would negatively affect both the efficiency and the legitimacy of policing (Müller 2005; Johansen 2013; Berlière 1993, Berlière & Lévy 2011, pp. 493-496). While the popularity of the police among the middle-classes appears to have improved among the “respectable classes” between 1890 and 1914, the relationship between police and the lower orders continued to be characterized by mutual suspicion, peaking during the interwar years with major confrontations between police and the working classes (Leßmann-Faust 2012; Lindenberger 1995; Berlière 1996).

### *A. Policing by Consent*

Throughout the late-nineteenth and twentieth centuries British police authorities claimed to have gained acceptance among the urban poor through “policing by consent” and by being accountable to the public. This was vigorously challenged in the 1960s and 1970s by social historians and police scholars who pointed to policing as social control of the lower orders as one of the key functions of the police. Their analyses focused on police as the heavy arm of government, intent on keeping the lower orders of society under control by everyday correction of behavior in public (Storch 1975; id. 1976; Miller 1977: 120-125; Monkkonen 1981: 4; Thompson 1981; Gatrell 1990; Taylor 2002: 78-99; Lindenberger 1995; see also contributions in Lüdtke 1993). To striking workers and political opponents of governments the claim that police acted with their “consent” seemed rather meaningless. As one of the primary duties of police is to protect persons and private property and to maintain public order this inevitably favors the interests of employers during labor conflicts, and support the interest of the State when the public expresses anger and frustration through public demonstrations. Moreover, the claim of police being accountable to the public is largely meaningless for the poor, the powerless, the immigrant, the marginal, minorities, the ghetto and slum dweller. To people from these groups the policeman continued to be a figure of awesome – and essentially limitless – powers, well-beyond any concept of service or accountability to ‘the public’ (Gamon 1907, pp. 21-22; Bittner, 1970, p. 122; Brodeur 2010, pp. 115 & 119).

Although the social control aspect of policing is central to all forces irrespective of central or local structures, research on many different communities across Europe and North America has seriously moderated Marxist-inspired focus of policing as simply class-control and repression. While recognizing that police was far from a neutral, a-political enforcers of the law or “policing by consent”, historians have presented a highly complex relationship between police and the lower orders of society. They stress the limits of law-enforcement and show how policing at street level was shaped both by the cooperation and rejection from the community. In order to survive on the job, individual policemen had to strike a compromise between demands from his superior and enforcement within the limits of what was achievable (Taylor 2002, pp. 78-99; Jessen 1991, pp. 179-185; Evans 1987, pp. 171-174; Deluermoz 2012,

pp. 118-135). Working class people also increasingly appealed to the policeman to settle disputes between neighbors and within families (Weinberger 1981; Emsley 1996, pp. 80-84).

### *B. Matching police profiles*

One strategy intended to further acceptance and cooperation among the public which had shaped interpretations of police-public relations is the idea of recruiting policemen to reflect the social and ethnic composition of local communities and for policemen to live within the community they policed. Many police scholars and practitioners have accepted this logic, which in the late twentieth century led to recruitment strategies in many Western democracies aimed at employing more women and officers from minority groups to match the demographics of the population. Yet studies on British policemen show that this match was always very imperfect and, as Emsley notes, there were obvious advantages of using outsiders to police communities (Emsley 1996, p. 197). Moreover, the observations by Hugh Gammon (1907, pp. 21-25) on the social isolation of London policemen within working class communities suggests that it was the professional duties of the policeman that set him apart and he was often isolated and excluded from social engagements within local communities.

German interpretations of police-public relations have placed much emphasis on the preference until the Weimar Republic for men with rural background to police cities, while deliberately avoiding applicants with urban working-class background. Moreover, the attempts to make previous military career a requirement for employment and to isolate policemen from the rest of the population have been widely interpreted by German scholars as main causes behind conflicts between police and local communities. Nevertheless, due to increasing need for policemen and problems of recruitment, Prussian police forces – both the *Schutzmannschaft* policing larger cities and municipal police forces – included an increasing number of men from working class areas no military background (Jessen 1991, pp. 157-212; Lindenberger 1995, pp. 73-76). While the social profile of German police officers moved closer to that of urban working class populations, this did not lead to any greater acceptance on either side. Although it is very difficult to compare levels of conflict or cooperation between police and public, the nature of policing and the duties imposed by police managers on street policing seem to be the main cause of conflict with the public (Brogden 1991; Weinberger 1995), while the social and professional profile of policemen appears to be a secondary factor.

### *C. Declining levels of violence*

In the course of the long nineteenth century there was also a notable decline in the levels of violence between police and the public – despite periods of heightened conflicts, popular protest and violent clashes. Until the late nineteenth century, engagements between police and public in poorer urban areas all over Europe and North America was characterized by considerable violence on both sides (Emsley 1983, pp. 150-160; id. 1996, pp. 78-84; Steedman 1984, pp. 67-68; Gatrell, 1990, pp. 281-287; Taylor 1997, p. 138; Klein 2010, pp. 167-188; Jessen 1991, pp. 179-185; Lindenberger 1995; Berlière 1993b; Deluermoz 2012, pp. 239-242) in what Lindenberger describes as “everyday low-intensity warfare” (*alltägliche Kleinkrieg*, 2011, p. 207). Over the same period of time there seemed to be a significant decline in the frequency and severity of violent attacks on policemen in rough areas of urban areas.

The overarching explanations provided by historians for the decline in violence between police and public go along similar lines in all four countries, although with periods of eruption of violent confrontations due to political and social tensions. While labor historians tend to emphasize the repression of workers, recent scholarship also point to considerable violence on both sides, although with long-term general decline in violence between police and public, reflecting fundamental changes in the relationship between police and public. The decline in violence between police and public must also be seen in the light of broader cultural changes away from inter-personal violence, in line with Norbert Elias' theory of the civilizing process: as violence became more marginalized and unacceptable, workers began to solve conflicts without resorting to violence (Muchembled 2008; Pinker 2011; Spierenburg 2013). This movement was furthered by ever rising popular expectations to police acting in a professional and polite manner, respectful of the rights of individuals, irrespective of their social standing and moderate in his use of coercion. Increasingly complaints from the population, middle-classes as well as lower orders, about "unacceptable" police behavior show a significant cultural change between 1848 and 1914 (Johansen 2009).

## **VI. Military features in policing: interpretations of violence and legitimacy.**

A final feature which scholars have described as a key transformation in police-public relations is the long-term marginalization of the regular army and military symbols from civilian policing. From the establishment of the London Metropolitan police in 1829, it was a priority to distance policing as much as possible from associations with anything martial, although distinctions between civilian and military often remained highly ambiguous. The idea that British Bobbies should be unarmed was a key aspect in the projection of a benign image to the population, even if British police always carried some form of weapon as well as cutlasses and firearms for dangerous operations (Emsley 1996, pp. 54-59; id. 2005). In the US, by contrast, there was no attempt to disarm police forces, and being armed was easily justified in terms of effective protection of the public against criminals. The arming of French police and gendarmerie – the forms of weapon differ between units – has been similarly uncontroversial, while German scholarship has seen the heavily armed Prussian *Schutzmann* as a prime example of the violent and threatening purpose of policing, turned against the population, rather than securing their protection (Reinke 1991).

The process of limiting the involvement of regular military troops in civilian policing was already under way in Britain in the eighteenth century, with a sharp decline after the 1819 Peterloo massacre. In official rhetoric as well as in historical interpretations, the refrain from involving military troops in the policing of civilians became as central to police legitimization as the principles of unarmed police, committed to the use of minimal force, and yet another indicator of "democratic policing" (Babington 1990). Conversely, military interventions in German states during the nineteenth century have been interpreted as evidence of the political backwardness of the Prussian Kingdom and Imperial Germany (Wehler 1985, p. 157; Berghahn 1994, pp. 257-258).

However, the close association between military involvement in policing and pre-democratic or dictatorial regimes is far from clear-cut. The reputedly militaristic Prussia used

the army less and less after 1848, with rapid decline after 1889. In contrast, the democratic French Third Republican France extended the practice considerably after 1889, with extensive use of the army in riot policing continuing until after the First World War (Johansen 2005). Similarly in the US, militarized police forces and involvement of troops for large-scale riot policing has continued throughout the twentieth century, regardless of the impeccable democratic credentials of the political regime (Head and Mann 2009).

Historians have been far more willing to excuse the use of troops by the authorities of the US or the French Republic than historians working on successive German regimes. Accordingly historians of Germany have seen the three major incidents of domestic military mobilization between 1889 and 1914 as evidence of the repressive cooperation between military and bureaucratic elites against legitimate struggles for democracy and labor disputes. Historians working on the French Third Republic, by contrast, explain the far more extensive use of troops to maintain public order as caused by undue pressure from great industrialists on police and civil administrators (Jauffret 1983; Carrot 1984; Bruneteaux 1996). Others have justified the frequent use of troops in France during the Third Republic as the necessary defense of the Republic in the face of serious challenges from the far-left and the far-right. Nevertheless, close comparison of military involvement in the French Third Republic and the German Empire challenge the assumption of a close causal connection between democratization and decline in military involvement in civilian policing. It also contradicts the assumptions that militarism and strong position of the army in society and politics leads to extensive military influence in civilian policing (Johansen 2005).

Labor historians in the 1970s and 1980s also argued that military involvement in protest policing almost inevitably led to boundless and indiscriminate use of violence. However, recent studies show that strategies for large-scale crowd-control and protest policing developed by British, French and Prussian police authorities from the 1890s aimed at – and to a great extent succeeded in – containing violence and avoiding death or serious injury (Berlière 1993b; Lindenberger 1995; Johansen 2005). These findings call into question the assumption that military involvement in protest policing lead to more serious violence than maintenance of order through civilian police.

The close correlation between military features of policing, limited democratization and high levels of violence has also been seriously questioned by recent research on gendarmerie forces in France, Belgium and the Netherlands (Emsley 1999b; Luc 2002; ib. 2010; Campion 2011; Ligeneux 2002; Houte 2010; Lopez 2014). These studies have challenged the sharp distinction in the Anglo-American police ideology between civilian police as more public oriented and integrated in local communities than the militarily organized gendarmerie. Most recently, interpretations of French policing note that the gendarmerie during the course of the twentieth century has converged with standards for civilian police in terms of accountability to the public (Berlière & Lévy 2011; Anderson 2011).

The correlation between military-style policing and undemocratic governance have acquired renewed interest in recent years with the opening of new research into colonial policing. As is often noted in the case of the British Empire, the civilian forms of policing was reserved for the British Isle, while military-style policing, was developed for Ireland and later exported in a variety of forms to British colonies. From studies of the French gendarmerie it seems that the factors shaping police-public relations is not so much military features in



everyday policing, but rather the structures surrounding the relationship with the public, in particular legal boundaries, clear procedures and robust accountability mechanisms.

## CONCLUSION

Police-public relations include a variety of ideological statements and commitments as well as particular policing strategies and approaches designed to strengthen popular acceptance of police legitimacy. Interpretations of the nature of police-public relations have been profoundly shaped by the “myths” created by official rhetoric, particularly in Britain – and to some extent the US – where the official rhetoric was broadly credible to the sections of the population who benefitted from police protection. In France and Germany official rhetoric about police-public relations was at best regarded with some suspicion at least until the late twentieth century, and negative aspects of police-public relations were often interpreted as revealing the true nature, not only of policing, but of the political regime itself.

Yet, no easy correlation can be made between democratic regime and the nature of police-public relations, as democracy in itself provides no guarantee of more legal, evenhanded, and less violent forms of policing compared to non-democratic or semi-democratic regimes. On the other hand, between the mid-nineteenth to the twenty-first century, the official rhetoric in Britain, US, France and Germany has undoubtedly has positive impact on police-public relations by raising popular expectations and by setting certain benchmarks and boundaries around police exercise of power. At the heart of police-public relations lies the issue of empowering all members of the public – collectively or individually – to meaningfully challenge police decisions and behavior. The nature of police-public relations and police legitimacy ultimately depends on how police and government authorities have handled the inherently asymmetrical power relationship between police and the policed.

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